

STATE OF ARKANSAS
Department of Finance and Administration

EMPLOYEE DISCLOSURE/CERTIFICATION AND EMPLOYMENT OF FAMILY MEMBERS FORM

Answer the following questions regarding your current, former* and future employment with the State of Arkansas:

1. Are you a **current** state employee? ☐ Yes ☐ No
2. Are you a **former** state employee? ☐ Yes ☐ No
3. Are you a **current member** of the Arkansas General Assembly (House or Senate) or a **current** Constitutional Officer***? ☐ Yes ☐ No
4. Are you the **spouse of a current member** of the Arkansas General Assembly or **spouse of a current** Constitutional Officer? _____ (Member/Officer Name) ☐ Yes ☐ No
▶ If "Yes", is your expected salary above the pay grade 13, level IV? ☐ Yes ☐ No
5. Are you a **former member** or the **spouse of a former member** _____ (Member Name) of the Arkansas General Assembly (House or Senate)? ☐ Yes ☐ No
▶ If "Yes," did you serve or did your spouse serve within the last 24 months? ☐ Yes ☐ No
▶ If "Yes," during the previous 24 months prior to your leaving office or your spouse leaving office, was the position for which you are being considered created by legislative action, or if the maximum salary level increased by more than 15%, was it authorized by legislative action? ☐ Yes ☐ No
6. Are you an **immediate family member*** (other than the spouse)** of a member of the Arkansas General Assembly or a Constitutional Officer? ☐ Yes ☐ No
▶ If "Yes", _____ (Member/Officer Name)
7. Are you an **immediate family member** of a state employee, state board, or Commission member? ☐ Yes ☐ No
▶ If "Yes", _____ (Member Name)
8. Are you a **relative** of the supervisor or hiring official, or will this position have supervisory responsibility over a **relative** disclosed above? ☐ Yes ☐ No
a) If "Yes", are you a **spouse** of a member of the Arkansas General Assembly or a Constitutional Officer? _____ (Member/Officer Name) ☐ Yes ☐ No
OR
b) If "Yes", are you an **immediate family member (other than the spouse)** of a member of the Arkansas General Assembly, a Constitutional Officer, a state employee, or board or commission member? ☐ Yes ☐ No
▶ If "Yes", what is the relationship and name? _____

*Former is defined as within the last 24 months.

**Constitutional Officer: Governor, Lt. Governor, Secretary of State, Attorney General, Auditor, Treasurer, Land Commissioner.

***Immediate family member includes: spouse, mother, father, sister, brother, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.

I understand that to be eligible for employment with the State of Arkansas, I must be in compliance with Governor's Executive Order 98-04, Governor's Policy Directive No. 8 and Arkansas Code Annotated §21-8-304, which state, in part, that, while employed as a state employee, I cannot enter into any Professional Services Contract or Consultant Service Contract with any state agency unless I am providing Nursing Services and contracting with the Department of Human Services. I assert that I have answered the above questions to the best of my knowledge, and I understand that failure to disclose this information may result in disciplinary action, if I am hired by this agency.

Signature of Applicant _____

Social Security Number _____

Date _____

INSTRUCTIONS FOR HIRING OFFICIAL:

- A. Regardless of the answer in #1 or #2, complete this form. Submit this form with the hire packet.
- B. If applicant marked #3 "Yes", this person cannot be hired.
- C. If applicant marked all items in #4 "Yes", complete this form and submit to Chief Fiscal Officer (CFO) and Joint Budget Committee (JBC) / Legislative Council (LC) for approval. Submit approved form with hire packet.
- D. If applicant marked all items in #5 "Yes", this person cannot be hired.
- E. If applicant marked #6, #7 or #8b "Yes", complete this form and submit to agency director. Submit approved form with hire packet.
- F. If applicant marked #8a "Yes", complete this form and submit to CFO and JBC/LC for approval. Submit approved form with hire packet.
- G. If applicant marked any item in #3, #4, #5, #6, #7, #8a or #8b "No", no further action is needed. Submit this form with the hire packet.

Agency/Institution _____ Hiring Official _____

Position Applied for _____ Position # _____ Pay Grade _____ Salary _____

I certify that the applicant meets the education and experience qualifications required to perform the duties of the position for which they are being considered.

Signature of Agency/Institution Hiring Official _____

Phone Number _____

- ☐ Approved
☐ Disapproved

Agency/Institution Director or Designee _____

Agency Number _____

Date _____

STATE OF ARKANSAS
Department of Finance and Administration

Employee Disclosure Requirements Notice

Employees must report any benefit obtained from a state contract by a business in which the employee has a financial interest . Ark. Code Ann. § 19-11-706. The employee must report this benefit to the Director of the Department of Finance and Administration.

A state employee has a "financial interest" in a business if he/she:

- has received within the past year, or is presently or in the future entitled to receive, more than one thousand dollars (\$1000) per year, as a result of ownership of any part of the business or any involvement in the business; or
- owns more than a five percent (5%) interest in the business; or
- holds a position in the business such as an officer, director, trustee, partner, employee, or the like, or holds any position of management.

Any employee who knows or should have known of such benefit and fails to report the benefit to the director is in breach of the ethical standards of Ark. Code Ann. § 19-11-706.

Employee Disclosure Restriction Notice

State employees are restricted from employment under certain conditions, both during the time they are employed by the state and after they leave state employment. Ark. Code Ann. § 19-11-709. These restrictions include:

- employment of a current state employee involved in procurement by any party contracting with the state;
- former employees from representing anyone other than the state under certain conditions in matters which the employee participated personally and substantially or which were within the former employee's official responsibility;
- partners of a current or former state employee from representing anyone other than the state under certain conditions; and
- selling to the state after termination of employment under certain conditions.

Any current or former state employee who violates any of these employment restrictions is in breach of the ethical standards of Ark. Code Ann. § 19-11-709.

Penalties for Non-Compliance with Ark. Code Ann. § 19-11-706 or § 19-11-709

In addition to civil and administrative remedies, Ark. Code Ann. § 19-11-712 allows the Director of the Department of Finance and Administration to impose, against any employee who fails to comply with Ark. Code Ann. § 19-11-706 or § 19-11-709, after notice and an opportunity for a hearing, any one or more of the following:

- oral or written warnings or reprimands;
- forfeiture of pay without suspension;
- suspension with or without pay for specified periods of time; and
- termination of employment.

Pursuant to Arkansas Code Annotated § 19-11-702, any employee who shall knowingly violate either of these restrictions shall be guilty of a felony and upon conviction shall be fined in any sum not to exceed ten thousand dollars (\$10,000) or shall be imprisoned not less than one (1) nor more than five (5) years, or shall be punished by both.

I certify that I have read this Notice and the Ark. Code Ann. §§ 19-11-706, 19-11-702, 19-11-709 and 19-11-712 on the reverse side. The Regulations promulgated to enforce Executive Order 98-04 contain additional information regarding this reporting requirement at Section 13 & 14, posted by the agency in a conspicuous place. I understand that it is my responsibility to comply with the requirement to report as explained in Ark. Code Ann §§ 19-11-706 & 19-11-709, this Notice and the regulation.

Agency Name

Name of Employee (Please Print)

Social Security Number

Signature of Employee

Date

See back for Arkansas Code Annotated §§ 19-11-702, 19-11-706, 19-11-709 and 19-11-712

EXCERPTS FROM ARKANSAS CODE ANNOTATED §19-11
SUBCHAPTER 7

19-11-702. Penalties.

Any employee or nonemployee who shall knowingly violate any of the provisions of this subchapter shall be guilty of a felony and upon conviction shall be fined in any sum not to exceed ten thousand dollars (\$10,000) or shall be imprisoned not less than one (1) nor more than five (5) years, or shall be punished by both.

19-11-706. Employee disclosure requirements.

- (a) **Disclosure of Benefit Received from Contract.** Any employee who has or obtains any benefit from any state contract with a business in which the employee has a financial interest shall report such benefit to the Director of the Department of Finance and Administration. However, this section shall not apply to a contract with a business where the employee's interest in the business has been placed in a disclosed blind trust.
- (b) **Failure to Disclose Benefit Received.** Any employee who knows or should have known of such benefit and fails to report the benefit to the director is in breach of the ethical standards of this section.

19-11-709. Restrictions on employment of present and former employees.

- (a) **Contemporaneous Employment Prohibited.** It shall be a breach of ethical standards for any employee who is involved in procurement to become or be, while such an employee, the employee of any party contracting with the state agency by which the employee is employed.
- (b) **Restrictions on Former Employees in Matters Connected with Their Former Duties.**
- (1) **Permanent Disqualification of Former Employee Personally Involved in a Particular Matter.** It shall be a breach of ethical standards for any former employee knowingly to act as a principal or as an agent for anyone other than the state in connection with any:
- (A) Judicial or other proceeding, application, request for a ruling, or other determination;
 - (B) Contract;
 - (C) Claim; or
 - (D) Charge or controversy in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee, where the state is a party or has a direct and substantial interest.
- (2) **One-Year Representation Restriction Regarding Matters for Which a Former Employee Was Officially Responsible.** It shall be a breach of ethical standards for any former employee, within one (1) year after cessation of the former employee's official responsibility in connection with any:
- (A) Judicial or other proceeding, application, request for a ruling, or other determination;
 - (B) Contract;
 - (C) Claim; or
 - (D) Charge or controversy knowingly to act as a principal or as an agent for anyone other than the state in matters which were within the former employee's official responsibility, where the state is a party or has a direct or substantial interest.
- (c) **Disqualification of Partners.**
- (1) **When Partner Is a State Employee.** It shall be a breach of ethical standards for a person who is a partner of an employee knowingly to act as a principal or as an agent for anyone other than the state in connection with any:
- (A) Judicial or other proceeding, application, request for a ruling, or other determination;
 - (B) Contract;

- (C) Claim; or
- (D) Charge or controversy in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the employee's official responsibility, where the state is a party or has a direct and substantial interest.

- (2) **When a Partner Is a Former State Employee.** It shall be a breach of ethical standards for a partner of a former employee knowingly to act as a principal or as an agent for anyone other than the state where such former employee is barred under subsection (b) of this section.

- (d) (1) **Selling to State After Termination of Employment Is Prohibited.** It shall be a breach of ethical standards for any former employee, unless the former employee's last annual salary did not exceed ten thousand five hundred dollars (\$10,500), to engage in selling or attempting to sell commodities or services to the state for one (1) year following the date employment ceased.
- (2) The term "sell", as used in this subsection, means signing a bid, proposal, or contract; negotiating a contract; contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person.
- (e) (1) This section is not intended to preclude a former employee from accepting employment with private industry solely because his employer is a contractor with this state.
- (2) This section is not intended to preclude an employee, a former employee, or a partner of an employee or former employee from filing an action as a taxpayer for alleged violations of this subchapter.

19-11-712. Civil and administrative remedies against employees who breach ethical standards.

- (a) **Existing Remedies Not Impaired.** Civil and administrative remedies against employees which are in existence on July 1, 1979, shall not be impaired.
- (b) **Supplemental Remedies.** In addition to existing remedies for breach of the ethical standards of this subchapter, or regulations promulgated thereunder, the Director of the Department of Finance and Administration may impose any one (1) or more of the following:
- (1) Oral or written warnings or reprimands;
 - (2) Forfeiture of pay without suspension;
 - (3) Suspension with or without pay for specified periods of time; &
 - (4) Termination of employment.
- (c) **Right to Recover from Employee Value Received in Breach of Ethical Standards.** The value of anything received by an employee in breach of the ethical standards of this subchapter, or regulations promulgated thereunder, shall be recoverable by the state as provided in § 19-11-714, which refers to recovery of value transferred or received in breach of ethical standards.
- (d) **Due Process.** Notice and an opportunity for a hearing shall be provided prior to imposition of any of the remedies set forth in subsection (b) of this section.

STATE OF ARKANSAS
Department of Finance and Administration

Employee Disclosure Requirements

In Compliance with Governor's Executive Order 98-04
Arkansas Code Annotated § 19-11-706

Pursuant to Arkansas Code Annotated § 19-11-706, employees are required to disclose any benefit received from any state contract. Specifically:

- (a) Any employee who has or obtains any benefit from any state contract with a business in which the employee has a financial interest shall report such benefit to the Director of the Department of Finance and Administration. However, this section shall not apply to a contract with a business where the employee's interest in the business has been placed in a disclosed blind trust.
- (b) Any employee who knows or should have known of such benefit and fails to report the benefit to the director is in breach of the ethical standards of this section.

This employee disclosure shall be made within 30 days after the employee has actual or constructive notice of a benefit received or to be received. Such disclosure shall be made by completing this **Employee Disclosure Requirements** form and forwarding this completed form to:

Director
Department of Finance and Administration
P. O. Box 3278
Little Rock, AR 72203-3278

Employee Name:

Agency Name/ Division where employed:

Name of Person/Business involved with State Contract:

Name of Government Body with which the Business has a Contract:

Dollar Amount and Nature of Contract:

Nature and extent of the benefit received or to be received:

Employee's Signature

Date